



ATTORNEY DOCKET NO. 4700/4

SECTOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Brennan J. McTernan et al.
Serial No. : 09/767,268 Examiner: To be Assigned
Filed : January 22, 2001 Group Art Unit: 2152
Title : SYSTEM AND METHOD FOR ACCOUNTING FOR VARIATIONS IN CLIENT CAPABILITIES IN THE DISTRIBUTION OF A MEDIA PRESENTATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

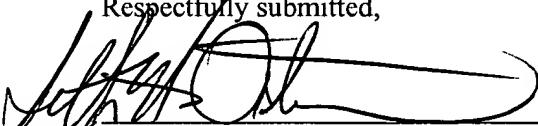
PETITION UNDER 35 U.S.C. 1.53(e)(2) IN RESPONSE TO NOTICE OF OMITTED ITEMS

Sir:

Applicants hereby petition that page 31, copy enclosed, of the above-identified application be considered part of the application as filed on January 22, 2001. Applicants have received a stamped, dated and signed return postcard from the PTO indicating that all 38 pages of the specification had been received as part of the application as filed. In support of this assertion, enclosed herewith is a copy of the postcard marked by the PTO indicating a total of 38 pages submitted and received as a specification. This is consistent with a page count conducted prior to filing the application by counsel for applicants to verify all 38 pages of the specification were included with the application.

In addition to the aforementioned documents, enclosed herewith is the petition fee of \$130.00 according to 37 CFR 1.17(i). As applicants contend that the above noted item was in fact received by the PTO with the non-provisional application papers, a prompt refund of the fee is respectfully requested.

Respectfully submitted,


Seth H. Ostrow, Reg. No. 37,410
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New York, NY 10036
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Dated: May 2, 2001

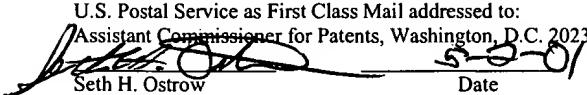
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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to:

Assistant Commissioner for Patents, Washington, D.C. 202311


Seth H. Ostrow

Date